United Nations A/HRC/31/NGO/63

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02534(E)

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The Human Rights Status of Palestinian Refugees

Mr. President, Distinguished Members of the Council,

The Palestinian Return Centre (PRC) is concerned about the devastating failure of international community to exert real pressure on Israel, the occupying power, to bring its actions in line with its obligations under international humanitarian law and UN resolutions.

The PRC would like to address the pressing issue of the Palestinian refugees' right to return. Although enshrined in international law since 1948, when the UNGA adopted resolution 194, the Palestinian right of return remains overlooked and marginal to the debate.

Multiple international treaties and conventions recognize the inviolable character of the right to return of refugees--including the Universal Declaration of Human Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the International Convention on Civil and Political Rights. Humanitarian and human rights law and numerous UN resolutions all guarantee the right of return for refugees.

The critical importance of the Palestinian right of return cannot be understated. At a time of unrest in the Middle East, Palestinian refugees are particularly vulnerable in their host countries. Since 2011 the Syrian civil war has culminated in a further 360'000 Palestinians becoming displaced. As of February 2016, over 3,100 Palestinian refugees have been killed as a result of the conflict. The Yarmouk refugee camp used to house over 160,000 Palestinian refugees but the ongoing conflict and siege has reduced to 3'000.[1] Over 167 Palestinians have died of starvation as humanitarian assistance is almost non-existence. Residents of Yarmouk have been reported looking for food in garbage cans and eating grass leaves just to stay alive. The ongoing crisis has stifled UNRWA's resources. Nearly 100,000 Palestinians, which have fled Syria, are seeking safety in Europe.[2] Approximately 70 Palestinians, though the actual number is likely to be much higher, have been documented to drown in the sea whilst attempting to reach Europe on the so-called "death boats".

It is estimated that around 33,000 Palestinian refugees from Syria are currently residing in Lebanon. This has greatly exacerbated the terrible living conditions of the approximately 450,000 Palestinian refugees that already reside in Lebanon.[3] Two-thirds of Palestinian refugees in Lebanon are living in poverty mainly due to their legal status which prevents them from working in most professions. The limited rights afforded to Palestinians refugees in Lebanon clearly contravene international law. In addition, UNRWA's chronic funding problem is aggravating the dire living conditions of the camps and gatherings. This has also led to the increased migration to Europe.

Inside the occupied territories and Israel, Palestinians continue to suffer from Israel's illegal military occupation, colonial policies and apartheid government. An oscillation between policies of subjugation and moments of expulsion – and often both simultaneously– has characterised Israeli violence towards Palestinians since the state's very inception.

Increasing fragmentation of the West Bank, including East Jerusalem, by way of a combination of policies and practices including, but not limited to: the wall; the creation of seam zones; checkpoints; zoning and planning restrictions; demolition of homes and forced evictions (particularly of Bedouin communities in Area C); revocation of residency rights; the designation of vast tracts of land in the West Bank as closed military zones or natural reserves; and the expropriation of land for settler agriculture or industrial zones, may irreversibly disrupt the contiguity of the West Bank undermining the right of Palestinians to a state and to self-determination.[4]

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[1] http://www.actionpal.org.uk/en/.

[2] http://www.jpost.com/Middle-East/100000-Palestinians-have-fled-Syria-to-Europe-official-says-415395.

[3] http://www.unrwa.org/where-we-work/lebanon.

[4] https://richardfalk.wordpress.com/2014/03/05/december-2013-report-to-un-human-rights-council-on-occupied-palestine/.

The policies that effectively entail the expulsion of Palestinians –especially through the revocation of Palestinians' Jerusalem residency cards– continue apace even where there are no ongoing military operations.

In regards to the West Bank, a United Nations report released in September 2015 shows that in Area C currently there are more than 11,000 demolition orders outstanding, which will affect an estimated 13,000 Palestinian-owned structures, including homes.[5] The report comes in the context of a rise in demolitions in the West Bank, with 143 Palestinian structures having been demolished during August 2015 – the highest such number in five years. It is precisely these illegal policies that continue to displace Palestinians. This further reduces the possibility for the millions of refugees living outside of the oPT to return to their lands, which is a fundamental human right enjoyed and granted to the majority of the international community.

Furthermore, on January 25th 2016, Israel gave the green light for 153 new settler homes to be built in sensitive areas of the occupied West Bank, including the Ariel Carmel and Gush Etzion settlements.[6] The current Secretary General of the United Nations described Israel's settlement activities as "an affront to the Palestinian people and to the international community". About 400,000 Israeli settlers live in illegal settlements protected by the Israeli army in the occupied West Bank. Ban Ki Moon's statement is welcomed, though significant and effective policies that will improve the human rights of Palestinians appear noticeably absent.

Three wars in six years have caused enormous destruction in Gaza. The "51 Day War" in 2014 resulted in the death of approximately 1'500 Palestinian civilians displaced over 485'000 people and generated 1.2 million refugees.[7] According to UNRWA, at least 140,190 refugee homes were "impacted" by the fighting[8]. As Amnesty International[9] has reported, the evident and intentional disproportionate use of military force on the population of Gaza clearly amounts to war crimes for which perpetrators should be held accountable.

We therefore ask the Council to not just treat the symptoms (poverty, displacement, death) of Israel's policies. While Israel claims to be "the only democracy in the Middle East", many of its actions prove the contrary as it continues to deny Palestinians the possibility to enjoy their human rights. Former Special Rapporteur Richard Falk[10] has previously stated that Israel's prolonged siege on the Gaza Strip and illegal occupation of the West Bank and East Jerusalem clearly possess elements of "colonialism", "apartheid" and "ethnic cleansing" inconsistent with international humanitarian law in circumstances of belligerent occupation and unlawful abridgement of the right to self-determination of the Palestinian people. In light of this, the international community has an obligation to end the appalling status quo that Israel maintains.

Since UNRWA's inception, chronic funding issues have revealed fundamental deficiencies that the agency faces. The issue shouldn't be how the steady increase in demand for essential services can be met, but rather how this demand can be reduced. From analysing UNRWA's funding trends it is clear that the demand for services has increased exponentially. While the Syrian conflict that began in 2011 is a big part of this problem, Israel's role is at least equally significant. Particularly since the beginning of the Gaza blockade and Israel's attacks on the Strip, UNRWA has had to devolve a huge amount of its resources to deal with those emergencies, thus reducing its ability to provide the basic services it was accustomed to in other areas where it operates. There is an undeniable direct link between Israel's war crimes in the OPT and the suffering Palestinian refugees face in neighbouring Arab countries.

Considering the UN Human Rights Council's concern over the matter of Israel's occupation of the OPT, and the urgency to bring to the attention of the Security Council and General Assembly any matter which may threaten the

[5] https://www.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf.
[6] http://www.alaraby.co.uk/english/news/2016/1/26/israel-approves-new-settler-homes-in-occupied-west-bank.
[7] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/008/27/PDF/G1500827.pdf?OpenElement.
[8] http://www.aljazeera.com/news/2015/10/gaza-home-rebuilt-2014-israeli-war-151022143935336.html.
[9] http://://www.amnesty.org/en/latest/news/2015/07/gaza-cutting-edge-investigation-rafah/.
[10] https://richardfalk.wordpress.com/2014/03/05/december-2013-report-to-un-human-rights-council-on-occupied-palestine/.

maintenance of international peace and security, the Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Call the host governments for Palestinian refugees in the region to uphold their duty under international law to confer them the rights to a decent life.
- Demand that Israel recognizes its responsibility for the Palestinian refugees' continued displacement for the past 68 years and accept their full repatriation to their place of origin which is guaranteed by international law and the related UN resolutions. This should include granting them financial and moral compensation for their loss.
- Reiterate the legitimacy of Palestinian refugees' right of return, as unequivocally stated in resolution 194 and in multiple international treaties and conventions.
- Carry an investigation assessing the human rights of the millions of Palestinians residing in refugee camps and gatherings outside the OTP, to be in included in the HRC annual report
- Take strong measures to bring to an end Israeli impunity and bring Israel to immediately lift the blockade of the Gaza Strip and cease collective punishment of Palestinians in the OPT, including East Jerusalem.
- Call on Israel to comply with IHL rules and norms including the investigation of and accountability for all violations in accordance with international standards;
- Reiterate that Israeli violations of IHL are rooted in Israel's prolonged military occupation of the OPT. Accountability must be pursued for all violations of human rights and humanitarian law, including attacks on medical personnel and infrastructure, during the 2014 attacks on Gaza.